

REMARKS

Further and favorable reconsideration is respectfully requested in view of the foregoing amendments and following remarks.

Requirement For New Abstract

In accordance with the Examiner's request, Applicants enclose herewith an abstract of the disclosure, set forth on a separate sheet. The abstract is similar to the one set forth in the PCT publication. Editorial changes have been made to the abstract, in order to better comply with U.S. practice.

Rejections Under 35 U.S.C. § 103(a)

Rejection Based on Baker et al. in view of Komforth et al.

The rejections of claims 1-13, 17 and 18 under 35 U.S.C. § 103(a) as being unpatentable over Baker et al. (U.S. 6,750,188) in view of Komforth et al. (U.S. 6,033,590) is respectfully traversed.

The Position of the Examiner

The Examiner takes the position that Baker et al. teach washing natural leather shoes with compositions comprising tetraethylenepentamine, which has been ethoxylated, and water proofing agents at temperatures of 15°C to 82°C. The Examiner admits that Baker et al. fail to teach the pretanning with dialdehydes and retanning steps.

The Examiner asserts that Komforth et al. teach that it is convention to tan leathers followed by retanning and fatliquoring, wherein the tanning agent may be glutaraldehyde, the retanning agent may be polybutadienes, and wherein anionic dyes, neutralizing agents, and fatliquoring agents can be used in the treatment liquor in percentages of 0-55%. The Examiner further asserts that Komforth et al. teach that the process is used in making shoes.

The Examiner asserts that it would have been obvious to one of ordinary skill in the art to wash shoes prepared by the methods of Komforth et al. with the washing methods taught by Baker et al., because Komforth et al. teach that these methods are effective in preparing tanned leather shoes, and Baker et al. teach the method for

carefully preserving the tanning treatment during laundering of natural leather shoes. The Examiner states that one would be motivated to combine the teachings, absent a showing of unexpected results.

Applicants' Arguments

The presently claimed invention is directed to a special process for the treatment of leather resulting in a raw product. The Komforth et al. reference is directed to the treatment of leather in a general way by providing a means which allows for combining two treatment steps during the production of leather as a raw product. However, the Baker et al. and Bank et al. references are both directed to the treatment of an already final product, and are thus unrelated to the treatment of leather during production which results in a raw product (as in Komforth et al.)

Thus, contrary to the Examiner's assertion that it would be obvious to "wash shoes prepared by the methods of Komforth . . . with the methods taught by Baker", it would not be obvious to one of ordinary skill in the art to combine the teachings of the references in the manner discussed by the Examiner.

The presently claimed invention recites a process for the treatment of leather, whereby the leather is pretanned with dialdehydes, and retanned with organic anionic tanning agents, and whereby the leather (= "wet-white" leather) is treated with anionic reagents in an aqueous liquor, in which said anionic reagents, e.g. an anionic dye, are covalently bound with the help of polyamines as fixing agents.

Accordingly, the key features of Applicants' presently claimed invention are described below.

1) The substrates of Applicants' invention are wet-white leathers (having an anionic character), not wet-blue leathers. As discussed in the Response filed July 25, 2007, Applicant's leather has an anionic character, due to the specific (pre)treatment.

2) Furthermore, Applicants' invention uses a wet-white leather, with an anionic character, and anionic reagents (e.g. dyes). As also discussed in the Response filed July 25, 2007, in the past, an anion dye could not be bound onto a "wet white" leather with good results, due to inherent repellence (anionic-anionic).

3) Applicants have discovered that polyamides having a cationic character used as fixing agent lead to very good results (e.g. good wet fastness) by overcoming the anionic-anionic repellence with high effectiveness.

Komforth et al. summarize known processing steps by stating that "pretanned hides are usually neutralized, then retanned, fatliquored and, if desired, subsequently dyed and treated further." (Please see column 1, lines 8-11 of the reference, emphasis added.)

Komforth et al. disclose compositions comprising retanning and fatliquoring agents as homogenous mixtures (column 1, lines 59-67) for treatment of tanned leather. Accordingly, Komforth et al. provide compositions which allow a simplification of wet dressing of leather (by saving water and time), as the steps of retanning and fatliquoring may be done in one step instead of conventionally performing the same in two steps.

Thus, it is not surprising that Komforth et al. do not differentiate between "wet-white" and "wet-blue leather" (see e.g., column 6, line 55), or between anionic or cationic dyes (see e.g., column 4, lines 25-26). Additionally, Komforth et al. remain unspecific about further treatment. Specifically, while it is mentioned that the compositions might comprise further additives (see column 4, lines 3-7), e.g. dressing auxiliaries, such as a fixing agent (column 4, line 43), there are no concrete examples mentioned.

The Baker et al. reference relates to compositions for treating (already produced and used) shoes. Thus, this reference relates to the treatment of a final product. It is not known, based on the teachings of Baker et al., how the leather shoe was produced with regard to tanning, dyeing and further treatment (finishing, e.g. waterproofing etc.). Nor is it known how the shoe was further treated by the user. For example, please see column 2, lines 12 to 25 of the reference, which clearly demonstrates that this reference is concerned with the washing of used shoes.

Accordingly, the teachings of Baker et al. are totally unrelated to the production of (dyed) leather, and accordingly, one skilled in the art would not be motivated to combine the teachings of the cited references. Applicants direct the Examiner's attention to MPEP 2141.01(a).

The heading for MPEP 2141.01(a) is "To Rely On A Reference Under 35 U.S.C. 103, It Must Be Analogous Prior Art." This section of the MPEP states that in order to rely on a reference as a basis for rejection of Applicants' invention, the reference must either be in the field of Applicants' endeavor or, if not, then be reasonably pertinent to the particular problem with which the inventor was concerned. See also *In re Oetiker*, 24 USPQ2d 1443 (Fed. Cir. 1992). Further, a reference is reasonably pertinent if, even

though it may be in a different field from that of the inventor's endeavor, it is one which, because of the matter with which it deals, logically would have commended itself to an inventor's attention in considering his problem. See also *Wang Laboratories Inc. v. Toshiba Corp.*, 26 USPQ2d 1767 (Fed. Cir. 1993).

As discussed above, it is clear from the disclosure of Baker et al. that this reference relates to the washing of already used shoes. Accordingly, this reference is in a different field of endeavor than Applicants' presently claimed invention, which relates to the production of dyed leather. Furthermore, the Baker et al. reference is in a different field of endeavor than the Komforth et al. reference, and thus the teachings of these references would not be combined by one of ordinary skill in the art in the manner asserted by the Examiner.

For these reasons, the invention of claims 1-13, 17 and 18 is clearly patentable over Baker et al. in view of Komforth et al.

*Rejection Based on Baker et al. in view of Komforth et al.
and further in view of Bank et al.*

The rejection of claim 14 under 35 U.S.C. § 103(a) as being unpatentable over Baker et al. in view of Komforth et al. and further in view of Bank et al., is respectfully traversed.

The Position of the Examiner

The Examiner relies upon Baker et al. and Komforth et al. for the reasons stated above. The Examiner admits that Baker et al. and Komforth et al. fail to teach the instantly claimed silanes. The Examiner relies upon Bank et al. as teaching that compositions comprising alkyltrialkoxysilanes are efficient in providing water repellence to leather shoes. The Examiner states that it would have been obvious to modify the methods of Baker et al. and Komforth et al. by incorporating the silane water repellants of Bank et al.

Applicants' Arguments

As stated above, Bank et al. is merely relied upon for the teaching of alkyltrialkoxysilanes. Since claim 14 is directly dependent upon claim 1, claim 14 is patentable over the teachings of Baker et al. in view of Komforth et al. for the reasons

stated above. The teachings of Bank et al. fail to remedy the deficiencies of this combination of references.

Therefore, the invention of claim 14 is clearly patentable over the cited combination of references.

Objection of claims 15 and 16

Applicants appreciate the Examiner's indication that claims 15 and 16 contain allowable subject matter. In view of the remarks set forth above, Applicants respectfully assert that these claims are patentable in their present condition.

Conclusion

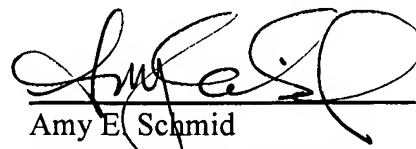
Therefore, in view of the remarks, it is submitted that each of the grounds of rejection set forth by the Examiner has been overcome, and that the application is in condition for allowance. Such allowance is solicited.

If, after reviewing this Amendment, the Examiner feels there are any issues remaining which must be resolved before the application can be passed to issue, the Examiner is respectfully requested to contact the undersigned by telephone in order to resolve such issues.

Respectfully submitted,

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